

Senate Bill No. 1282

CHAPTER 451

An act to add Section 164.1 to the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 2006. Filed with
Secretary of State September 25, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1282, Ducheny. Transportation: federal funds: border infrastructure program.

Existing law generally provides for programming by the California Transportation Commission of state and federal transportation funds pursuant to the state transportation improvement program process, subject to various funding distribution and fair share formulas. Existing federal law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) apportions federal transportation funds to the states for various purposes, including funds for a coordinated border infrastructure program.

This bill would require federal funds apportioned to the state under the coordinated border infrastructure program of SAFETEA-LU to be programmed, allocated, and expended in the same manner as other federal transportation capital funds in the state transportation improvement program, except that these federal funds would be exempt from being included in the transportation funds subject to the distribution and fair share formulas. The bill would also authorize these funds to be used for projects located in Mexico. The bill would authorize any nonfederal funds needed to match these federal funds to be programmed from any available local source or any available state transportation funding source, with the concurrence of the applicable regional transportation planning agency.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 164.1 is added to the Streets and Highways Code, to read:

164.1. (a) Federal funds derived from apportionments made to the state under Section 1101(a)(11) of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU; P.L. 109-59) for the coordinated border infrastructure program established

under Section 1303 of that act shall be included and separately identified in the fund estimates prepared pursuant to Sections 14524 and 14525 of the Government Code, the interregional transportation improvement program submitted by the department pursuant to Section 14526 of the Government Code, and the state transportation improvement program adopted by the commission pursuant to Section 14529 of the Government Code. Except as otherwise provided in subdivision (b), these funds shall be programmed, allocated, and expended in the same manner as other federal funds made available for capital improvement projects in the state transportation improvement program.

(b) Notwithstanding any other provision of law:

(1) The programming, allocation, and expenditure of the funds described in subdivision (a) may be for any purpose authorized under federal law, including projects in Mexico.

(2) The funds described in subdivision (a) shall not be subject to the distribution formulas and limitations described in Section 164.

(3) The nonfederal match for the funds described in subdivision (a) may be programmed from any available local source, or any available state transportation funding source, including other state transportation improvement program funding, if the regional transportation planning agency concurs.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to establish a process for the programming and expenditure of federal border infrastructure funds as quickly as possible, it is necessary that this act take effect immediately.